

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: ANDREW J. SIMKIW)	
MARIA SIMKIW)	
<u>Debtor(s)</u>)	CHAPTER 13
)	
UNIVEST BANK AND TRUST CO.)	Case No.: 20-12331 (AMC)
<u>Moving Party</u>)	
)	
v.)	Hearing Date: 11-14-24 at 11:00 AM
)	
ANDREW J. SIMKIW)	11 U.S.C. 362
MARIA SIMKIW)	
<u>Respondent(s)</u>)	
)	
KENNETH E. WEST)	
<u>Trustee</u>)	
)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Univest Bank & Trust Co. ("Univest") filing this its Motion For Relief From The Automatic Stay ("Motion"), and in support thereof, would respectfully show:

1. That on May 18,2020, Andrew and Maria Simkiw filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362, and 28 U.S.C. 157 and 1334.
3. On November 26, 2012, the Debtors executed and delivered a Promissory Note ("Note") and Mortgage ("Mortgage") securing payment of the Note in the amount of \$239,000.00 to Univest. A true copy of the Note and Mortgage are attached hereto as Exhibits "A" and "B".
4. The Mortgage was secured as a lien against the Property located at 804 Mallard Road, Feasterville, PA 19053.
5. The Mortgage was recorded on December 3, 2012 in Book 2012 and page 100744 of the Public Records of Bucks County, PA.

6. The Debtors have failed to make the monthly post-petition payments of principal, interest, and escrow in the amount of \$1,836.00 each for the months of December 2023 through September 2024, for a total default of \$18,360.00.

7. The current unpaid principal balance due under the loan documents is \$176,298.82. Movant's total claim amount, itemized below, is approximately \$192,221.68.

Principal Balance	\$176,298.82
Interest through 8/16/24	\$5,953.07
Escrow Advance	\$9,509.15
Accumulative Late Charges	\$369.89
Legal and other fees	\$90.75
Total to Payoff	\$192,221.68

8. Univest Bank alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that Univest lacks adequate protection of its interest in the collateral as evidenced by the following:

(a) The Debtors are failing to make payments to Univest under the terms of the Note and are failing to provide Univest with adequate protection.

WHEREFORE PREMISES CONSIDERED, Univest Bank respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to Univest to permit Univest to seek its statutory and other available remedies; (2) that the stay terminate immediately upon entry of this Order, with a waiver of Fed.R.Bank.P., Rule 4001(a)(3) and (3) Univest be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig
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